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PROHIBITION AND PERSUASION.

“We have suffered more in our time from intemperance than from war, pestilence, and famine combined,—those three great scourges of mankind.”

So SPOKE Mr. Gladstone, in the House of Commons, in a debate upon a bill the purpose of which was to remit to the people of the cities, towns, and parishes of the kingdom the right to prohibit the liquor traffic in their several localities. For more than four hundred years—since the time of Edward VI.—the British Government has been endeavoring, through the policy of licensing the liquor traffic, to diminish the evils coming from it to the nation and the people. To this end more than four hundred and fifty separate acts of Parliament have been adopted, but with no appreciable benefit in any way; on the contrary, the condition of the country has been growing constantly worse, so far as intemperance is concerned, and the poverty, crime, and insanity coming from it have steadily increased.

The governments of all civilized countries agree that the liquor traffic must not be left free, because it is dangerous to the public welfare. The only question concerning the legal control of it has been, to what extent it should be restrained, and in popular governments this has been determined by the public opinion of the time. In Liverpool, some years ago, the city authorities adopted a new policy in relation to it, that of granting license for the sale of liquors to all persons who asked for it. The purpose was to test the theory of some prominent members of the council, that to multiply temptations to intemperance would not extend that habit among the people. This policy was persisted in until its results became so marked for evil that Liverpool was known throughout the kingdom as “The dark spot upon the Mersey,” and England was acknowledged to be the most drunken country in the world, with more poverty, pauperism, suffering, and crime coming from intemperance than

any other. All this, notwithstanding the honest, earnest, and persistent endeavors of the Government to diminish the evil, by the only remedy known at that time, to wit, stringent license laws.

Royal commissions were appointed to inquire into British intemperance, its cause and its cure. Elaborate reports were made of the results of their inquiries, but not one of them recommended the adoption of the only possible remedy for the tremendous evils of intemperance, viz.: the prohibition and suppression of the liquor traffic. Many earnest men in England turned their attention to this subject, as being more important than any other to the prosperity of the nation and the welfare of the people. Intemperance, with all its evils, was increasing in the country much more rapidly than the population. Pauperism, crime, insanity, and the expenses to the country growing out of them, were shown by the Government Blue-books to be increasing with frightful rapidity.

English temperance men were startled by an announcement in the London "Times," that the Legislature of Maine had reversed the policy of license to the liquor traffic, and had substituted for it the policy of prohibition; and "The Times" added, that if the State of Maine persisted in that policy, it would show better than any other thing could do that its people were qualified for self-government. A minister of the Society of Friends, from Maine, was in England at the time on a religious mission. When crossing George's Channel, on his way to Ireland, a Friend from Manchester inquired of the particulars of this extraordinary movement in Maine. As the result of that conversation, a meeting of seven persons, specially invited, was held in an upper room in Merchants' Exchange, Manchester, and a society was formed with the title, "The United Kingdom Alliance, for the Immediate Legal Prohibition of the Liquor Traffic." From that insignificant beginning, this society has become great, rich, and influential, having, through its parliamentary champion, Sir Wilfred Lawson, its President, obtained from the House of Commons, at three succeeding sessions, a declaration in favor of its proposition to remit to the people the right of prohibiting the liquor traffic in their several localities. Mr. Gladstone, Mr. Bright, and a majority of the Cabinet voted for it, and Mr. Gladstone, on the part of the Government, promised to bring in a bill to give effect to the vote of the House.

It was only after a contest of more than twenty years that Sir Wilfred obtained this victory. At the first division he had only thirty votes, and at the last session of the late Parliament he was beaten by a majority of one hundred and twenty-seven. A general election followed, the question of prohibition being a leading issue, and at the first session of the new Parliament the adverse majority was changed to a victory by a majority of twenty-six votes. Mr. Low, an eminent member of Parliament, objected to prohibition on the ground that it was an interference with personal liberty. Many other leading members of the House followed his lead in opposition to the measure. Mr. Low attempted to make a distinction between vice and crime, and he maintained that as the liquor traffic was not a crime, it could not rightfully be prohibited by law.

About that time I was the guest of a gentleman in the suburbs of London, a warm friend of prohibition and a special friend of John Stuart Mill, who objected to it. My host wished me to meet Mr. Mill, and he was invited to the house. In the course of the conversation Mr. Mill said :

“Do you deny that people have a right to drink whatever they like and as much as they like, provided they do not interfere with the rights of others?”

“No, we do not deny that.”

“Very well, then it follows that those who drink have a right to the establishment of places, or at least to the toleration of places, where they can obtain what they wish.”

“I beg pardon, Mr. Mill, I do not think that follows. The liquor traffic does interfere with the rights of others in many ways, and to a greater extent than any other evil. If the persons who wish to drink can devise some way to obtain what they desire that is not inconsistent with the general good, we cannot object. The liquor traffic is a great public nuisance, a greater nuisance than any other; it inflicts a thousand mischiefs upon the community; and our contention is, that those who drink have no just claim to the toleration of places for their benefit, which, in fact, are a greater mischief to the community and a greater danger to the state than all other evils combined.”

“But I do not see that the state has a right to interfere with the personal habits of the people so far as to prescribe what they may or may not eat or drink. Personal liberty should

not be trenched upon under pretense of providing for the general good."

"Prohibition does not prescribe what persons may or may not eat or drink, though indirectly it seeks to put out of the way what persons may desire to drink. Prohibition deals with trade like a hundred other laws which prescribe what may or may not be sold and the way in which things may or may not be kept for sale. The sale but not the use of unwholesome food is forbidden, and the keeping for sale of such food is prohibited under severe penalties. In 1832, when the cholera was in my country, all our city governments forbade the sale of certain articles of food which were always found in our markets in ordinary conditions of public health. These municipal regulations said not a word about the personal habits of the people as to food, but they forbade the sale of such articles as were deemed inconsistent with public health. In connection with this question of prohibiting the liquor traffic, a great deal is said in this country about personal liberty, and it is urged by able men, and even by lawyers, that the suppression of the traffic would be an arbitrary exercise of despotic power; and it is insisted that it would be a violent interference with a great trade, involving a vast capital and employing a great many men, and affording means of subsistence to a great many people. The prohibition of the liquor traffic involves no principle of law and no exercise of power that are not found in many, if not in all, our statutes. It is the duty, as it is the undoubted right, of government to require to be done whatever is necessary to the common good, and to forbid whatever is believed to be inconsistent with it. This objection to prohibition on the ground that it is inconsistent with personal liberty is never heard in my country among intelligent men. While we value personal, civil, and religious liberty as highly as any other people, we understand that there is really no such thing as a personal liberty that is inconsistent with the general good. 'The welfare, the safety of the people, is the supreme law.' That is a principle of law as thoroughly established in this country as it is in mine, and no person can claim any liberty whatever that is inconsistent with it. No one can do anything, or have anything, or be anything that is inconsistent with the general good. That is the 'supreme law.' There is no principle of law more firmly established than that. In every-day life, there are many illus-

trations of that principle carried out to the extremest limit. Taxes are inexorably required of us; our property is confiscated in that way to any extent that the authorities may choose to require. A man is brought up before the court, the case is heard, the verdict rendered; a forced contribution (fine) is levied upon him, which he must pay. Another is before the court, and after the hearing he is sent to jail for months, or for years, or for life, as the case may be. There is no plea put in for him that his personal rights are trencched upon. He is sent to jail because his personal liberty is inconsistent with the general good, and only for that reason. Another is before the court; the verdict is rendered; the judge says to the sheriff, hang this man, his life is inconsistent with the general good. *Salus populi suprema lex.*"

Prohibition of any trade is an extreme measure, and cannot be justly resorted to except the public good requires it. Some trades are useful, but dangerous; others are useful, but liable to abuse. These are regulated and restrained by license, by which it is sharply prescribed how they shall be conducted. The manufacture and sale and keeping for sale of gunpowder is one of the former; the keeping and driving carriages and carts for hire is one of the latter, and slaughter-houses are another. The manufacture and sale of obscene books and prints is inconsistent with the general good; it is not regulated and restrained by license, it is forbidden. Lotteries are forbidden. Gambling houses and houses of ill fame are forbidden. Many other things, not harmful in themselves, are forbidden under certain circumstances. A man may not drive his strong, fast horse rapidly through the streets of a city. Nor may any one set fire to his chimney and burn it out in any city; in the country he may do it. In order to determine, then, whether prohibition of the liquor traffic may be resorted to justly, it is only necessary to ascertain whether it is or is not consistent with the general good.

John Wesley said: "Liquor-sellers are poisoners general; they drive the people to hell like sheep; their gain is the blood of the people." Earl Chesterfield, in 1727, said, in the House of Lords, in a speech on the gin bill: "Vice, my lords, is not to be licensed, but forbidden. Instead of encouraging the sale of these liquors, which degrade and brutify the people, we ought to burst the phials that contain them, and repress the dealers in them,—those artists in human slaughter." Mr. Senator Lot M.

Morrill said, on the floor of the United States Senate: "The liquor traffic is the gigantic crime of crimes." It inflicts upon society more evils than come from any other crime; more evils than come from all other crimes. No one, so far as I know, has ever denied that all this is true. Is there any compensating good coming from it to the state or the people that should restrain us from resorting to prohibition?

A leading New York journal stated the case very sharply and tersely when it said:

"Directly and indirectly this country spends in the liquor traffic, every year, a sum exceeding half the national debt. The cost of that traffic to the country, direct and indirect, is greater than the profits of all its capital not invested in real estate. It costs every year more than our whole civil service, our army, our navy, our Congress, including the River and Harbor and Pension bills, our wasteful local governments, and all national, state, county, and local debts, beside all the schools in the country. In fact, this nation pays more for liquor than for every function of every kind of government."

How is a question of that magnitude to be lightly put aside? There is certainly spent for drink annually more than eight hundred millions of dollars, and the entire sum raised by taxes of all kinds—national, state, county, town, and school district—is stated, on authority of the Census Bureau to be not more than about seven hundred millions of dollars.

The journal continues:

"But the cost of the liquor drunk is not by any means the whole cost of the liquor traffic. An official report, prepared with much labor by the Bureau of Statistics of Massachusetts, under authority from the Legislature, states that eighty-four per cent. of all the crime and criminal expenses in that State comes directly from the abuse of liquor. There are at least one in twenty of the able-bodied men in this country who are rendered idle by their habits or incapacitated for work; and these persons, at the ordinary wages of workingmen, would earn, if industrious and fairly employed, over two hundred millions of dollars yearly. The proportion of persons in hospitals, who reach them because of excessive drink, is very large, but cannot be definitely ascertained. A traffic that costs in actual payment and in loss of productive labor more than half the national debt every year is not to be ignored by the economist. It may be assumed that the entire wealth of the country has risen from \$30,000,000,000 in 1870 to \$50,000,000,000 in 1880, about one-half being in real estate. Probably it does not average profits exceeding four per cent. yearly, taking bad investments with good; but, at that rate, the yearly interest on all personal property of all kinds is only \$1,000,000,000, and the direct and indirect cost of the liquor traffic must be greater. . . . The time has gone by in this country when a serious discussion of a question that involves such a vast expense to the nation can be

prevented by bullying, intolerance, insolence, or ridicule. . . . It is certain that the entire savings of the people and all additions to their wealth are not twice as much as the sum expended for liquor and because of the abuse of liquor."

The liquor traffic earns nothing; it creates no value; it adds not a dollar to the national wealth, nor in any way to the welfare and prosperity of the country. The money obtained by the trade is not earned as honest industries earn money—by giving a valuable return for it. It obtains money from those who earn it by their labor, giving in return for it what is not only of no value, but far worse than that—something which leads to poverty, pauperism, wretchedness, and crime; which disinclines men to honest industry, and finally unfits them for it. This traffic, like war, wastes the products of industry and kills the worker, or so mutilates and maims him that he is unfitted for work; and then he and his family and dependents are pensioned upon the honest industries of the country. It is like conflagration; it destroys, leaving only the blackened ruins of all which it attacks. It is like pestilence; ravaging any community where it is tolerated, cutting down the brightest, bravest, and best. It destroys more than sixty thousand of our people every year, cutting short their lives upon an average more than ten years each. It makes wretched, beyond all power of expression, more than five hundred thousand homes, which, but for it, would be peaceful, prosperous, and happy. It threatens the existence of our institutions, which cannot live except among an educated and virtuous people, because, more than all other influences for evil, it reduces men to ignorance, brutality, and savagery.

Have I overstated or in any way misstated? Is such a trade to be established and protected by law, or shall it be forbidden, and by sufficient pains and penalties suppressed as being inconsistent with the general good?

NEAL DOW.

ANGLO-SAXON civilization staggers under strong drink. If we could rid our country of it by the annihilation of all who are engaged in the bad traffic it would be the best of Yankee bargains.

More than a dozen of our States have tried prohibition. Most of them have abandoned it. Under exceptionally favor-

able conditions Massachusetts tried prohibition for twenty years, and finally gave it up, but not for lack of interest in the temperance cause. That interest had grown deeper and wiser.

About the success of prohibition in Maine, we have various statements. From the friends of prohibition we learn that the law has proved triumphant. From various other sources we hear that it has proved a failure. From the "*Portland Daily Press*," in a Monday morning issue, I have just read that on the previous day Rev. Dr. Mc Keown spoke on "*The Church, and what it should do to Arrest Social Evils.*" The "*Press*" says:

"In the course of his remarks, in touching upon the subject of intemperance, the Doctor said that he thought the city was in a bad way; that it was under the rule of rum, and that the marshal's order to the effect that the law against liquor selling should be executed on Sundays and after ten o'clock at night on other days, was virtually saying that the law might be violated with impunity at other times. It seemed to him that arrests for violation of the law had well-nigh ceased to be made by the police, and that the men whose business it was to make drunkards, heart-broken women, and orphan children were to be allowed to ply their work of death without anything to make them afraid. He asked, when drunkards were reeling through our streets, and intemperance swept the city, if the church should be silent? Shall we look on and see venders of alcohol and those who abet the perpetrators of this infamy continue in their course without rebuke? What is the good of a church if it can do nothing to arrest such a terrible evil to society as drunkenness. If we do not try, let us cease mocking God by our religious professions, and calling upon Him for a reviving spirit. The remarks of Dr. McKeown have caused a profound sensation."

I have just been shown the "*New York Tribune*" of March 24th. In it John T. Vine, of Sanford, Me., says:

"The Hon. Thomas W. Pitman, of New York, has created a sensation in this section of Maine by his series of lectures on intemperance and crime, and has given some startling statistics. In Portland, last year, there were 2250 arrests, 1424 being for drunkenness and drunken brawls. Mr. Pitman exposed the private-club system of Portland, Bangor, and other large towns in the State, and showed how easily liquor can be procured, both privately and publicly, in all large towns, and demonstrated that prohibition does not prohibit unless sustained by an emphatic public sentiment. His statements relative to the violation of the Maine law and the increase of drunkenness in the State, have created profound uneasiness among prohibitionists."

I have seen scores of such statements from Maine. It has been repeatedly claimed that the rum traffic was practically dead in that State. I went to examine; I could find no open

grog-shops, but found many proofs that the drink curse in that State was enormous. I became satisfied that as temptations, the private drinking-clubs and other means of obtaining liquor in Maine are more fascinating and mischievous than open saloons.

The struggle over the drink curse goes forward with our civilization. To-day soldiers in the temperance army hurl billingsgate at each other. While refusing to join in this fratricidal bitterness, I venture the opinion, after forty years' service, that our enemy can be conquered only by social and moral weapons; that to call attention away from these agencies and fix it upon the constable is a fatal blunder.

In the struggle with intemperance, we find on one side intelligence, virtue, and hope; on the other, cunning, vice, and despair. Good men cannot hesitate. The only doubt lies in a choice of weapons. Washingtonianism, the Woman's Crusade, and other social, moral, and religious movements command our united approval; but some of us hesitate to summon physical force. Some of us believe that its employment is suicidal. It is the aim of civilization, through moral agencies, to eliminate vices, as it is its duty, with physical force, to punish crimes. With schools, social attractions, and religious appeals we win the votaries of vice; with prisons and chains we punish the perpetrators of crime.

In the discussion of prohibition, the distinction between vice and crime is pivotal. A vice is a harm I do myself in the pursuit of pleasure. Gluttony and drunkenness are vices. A crime is a harm I do to another with malice prepense. Forgery and murder are crimes.

Although vices do more harm in a day than crimes in a year, although vices are the parents of crimes, man cannot punish until the vices take form in actions inspired by malice prepense. A man may be filled with hypocrisy, envy, hatred, avarice, gluttony, drunkenness, indolence, and a score of other vices, but his fellow-man cannot punish him until he is guilty of a crime. No act, however harmful, can be a crime unless inspired by a criminal purpose. The intent is the very essence of a crime. When hate shows itself in a personal assault, man steps in to punish. But the hate, which is the tap-root of the crime, man cannot punish. As malice prepense can never exist in a vice, so a vice can never be a crime. Through

gluttony and other vices thousands contract disease, and impose the care of themselves and their families upon their neighbors. The children of these vicious persons might have become intelligent and useful; in the poor-house they are trained to pauperism. The wrong is grave; its influence may continue for generations; but there is nothing of crime in it. When I strike a person, though the blow be so slight as not to shake the dust from his coat, I am guilty of crime, and may be justly punished. I have done little harm, but I have perpetrated a crime for which I may be imprisoned. One may mention a score of vices which seriously cripple the race; not one of them can be justly punished by force. Crimes play but a small part in demoralizing the race. Gluttony injures the race more in a day than forgery in a century; yet gluttony cannot be punished by law, while forgery, even though no harm results, may be punished. Legislation that ignores this distinction between vice and crime must prove a muddle and a failure. We have made many laws against vices, prescribing severe penalties. We have repealed all of these laws or allowed them to die and be forgotten, but no legislature has ever repealed a law against crime.

We are all the victims of vices. The average man is older at fifty than he should be at seventy. This crippled condition comes of vices. The margin left for high purpose and achievement is pitifully small. This wretched slavery consumes nearly all the fine forces of our being, and is the one great waste of human life. If there were no other reason why we cannot punish vices by law, it is sufficient that we are all the victims of vice.

Law is a science, and its expounders have been the greatest men of our race. As in other forms of science, outlying regions may be in doubt, but the central principles are as clear and fixed as gravitation. The distinction between vice and crime is fundamental; it is the distinction of the dictionaries, the courts of law, and common sense.

Every man knows that he has a right to eat and drink, dress and exercise as he pleases. I do not mean moral right, but legal right. This distinction between moral and legal right, which is the counterpart of the other between vice and crime, has been ridiculed by prohibitionists. I would repeat that a man has a legal right to do a thousand things that are morally wrong. He has a legal right to doubt the existence of God, or the binding

force of the decalogue ; to believe in free-love and piracy ; to hate his mother ; or to be or do numberless things that are morally wrong. It is only when his belief in piracy or his hatred of his mother is embodied in criminal action, that he may be punished by law. The Puritan forefathers denied this distinction between vice and crime, between moral and legal rights ; but the civilization of to-day finds its highest distinction in the liberty to be and do whatever we please, until we assault with criminal purpose, or through criminal carelessness, the right of other people to be and do what they please.

It will be said that the drunkard's vice outrages the rights of others. When it can be shown that he is inspired by a criminal purpose, his action is criminal. As long as his indulgence is in the pursuit of pleasure, and not instigated by malice prepense, he is the victim of a vice, and not amenable to civil law.

During a somewhat famous discussion, in which I bore an humble part, I asked my antagonist to give his conception of the function of civil law. He replied : "The duty of the Legislature is to watch the commonwealth, and when danger from any source is apprehended, to provide against it by law." "Do you mean," I asked, "from *any* source?" He replied : "It is the duty of the Legislature to provide against harm to the people from any and all sources." "Suppose," I said, "that the Legislature should believe that the present methods of cookery are too appetizing, and lead to excessive indulgence? Suppose the Legislature believes that this vice of cookery results in enormous harm, as it surely does, what would be its duty?" "Without doubt," he replied, "to pass stringent laws against such mischievous cookery." "And send an officer to every suspected house?" I suggested. He replied : "A law without an officer to enforce it is useless. An officer should visit every suspected house, and see that the cookery is as the law directs." "Suppose that the Legislature believes that the corset vice is a vast evil, as no doubt it is, what is its duty?" "Clearly," he answered, "to pass a severe law against making or wearing corsets." "And," I again suggested, "send an officer to every suspected house?" There was a shout of laughter ; but my antagonist, with true courage, replied, "Yes ; an officer should visit every suspected house, and see that the law is not violated." "Your conception of the function of civil law is that the Legislature should watch for harm coming from any source, and

provide against it by law. When Universalism first made its appearance in Massachusetts, the Legislature believed that the greatest harm that could befall the people was imminent; that to take hell out of religion was to open the flood-gates of every conceivable vice and crime. What was its duty?" He replied, "If the Legislature sees being preached in the community any religion which, in its judgment, is calculated to do harm, like the rum traffic, it would be its bounden duty to punish severely the preaching of such religion." "The dry-goods windows in this city tempt thousands of women to extravagance. Thus, many family treasuries are bankrupted. If the Legislature believed this, would you have them pass a law against such attractive windows?" He replied, with characteristic courage, "If I were a legislator, and believed that these shop-windows tempted to mischievous extravagance, I would close them."

It became clear, even to the most ardent advocates of prohibition, that my antagonist's statement that "the function of the Legislature is to watch the commonwealth, and when danger from any source is apprehended, to provide against it by law," was an error. It was clear to my own mind before we began, that the real sources of nine-tenths of our ignorance, bad health, bad morals, and crimes are as far beyond the reach of the constable as are our thoughts or our dreams.

A prohibitionist with whom I had a discussion some years ago rested the case upon the statement that "the public good is the only object and limit of the law-making power." In this matter of human rights, there is, strictly speaking, no such creature as the public. Those who talk so flippantly of the "rights of society" may be asked to find society. Let them go down street, turn to the right, to the left, everywhere; they will find a man, a woman, a child; another man, another woman, another child. Each of these men, each of these women, each of these children, has rights. This talk of the "rights of society" reminds one of much that is said of corporations. A corporation has no soul. It practices injustice, but no one is to blame; it is the corporation. The corporation is composed of persons whose meanness and cowardice in shifting the responsibility to the creature they call the corporation are not unlike the attitude of what is called society as against the individual. The phrase "the rights of society" is a trick of words, which, like "the rights of a corporation," is often used to cover injustice.

Another prohibitionist announces as an old maxim that "the public good is the supreme law." I have never heard of such a maxim, but I have heard that "the public safety is the supreme law." The whole difference between the views I am advocating and the views of the extreme prohibitionist is found in the difference between "good" and "safety." "The public safety" is endangered by an armed invasion, by a conflagration or contagion, and in their presence the rights of individuals must give way. "The public good" is endangered by false religious and political theories, by errors in dress, sleep, food, drink, etc. To these nothing but reason and persuasion can be addressed. If the Central Park reservoir should give way, the man who saw it might seize his neighbor's horse, and rush down town, shouting, "The waters are coming; run for your lives!" But if a zealous temperance man were to seize a horse and tear down Broadway, shouting, "Turn out, turn out, for God's sake turn out; Jim Biles is selling Pete Smith a glass of whisky!" the chances are that instead of the court holding that the public safety justified the seizure, the temperance man would have to ask some friend to bail him out.

Instead of its being a maxim that "the public good is the supreme law," it is one of the wisest sayings, that a wrong done by the government to the humblest individual—that is, a violation of any one's rights of person or property—is a wrong done to the whole people. This is not only true, but vital; because if one man's personal rights may be violated with impunity, the rights of all the people may be violated with impunity. The greatest "public good" of which a government is capable, is to secure to each and every individual the full and free enjoyment of his natural rights of person and property.

All progress and happiness begin and end in personal liberty. Prohibitionists say, "We rejoice in the utmost personal liberty if people will only do right." Our Puritan fathers were stout advocates of personal liberty. They left their homes, crossed a stormy ocean, and braved a thousand dangers, that they might be free to say what they pleased; and they were willing that all who came after them should be free to speak, unless the new men said things conflicting with what the fathers said. Sometimes they came across a Quaker, with wrong views, and hung him.

All men are believers in personal liberty for themselves; few men are willing to grant liberty to others. Perhaps no other man believes in personal liberty as intensely as the Czar of Russia, but it is liberty for himself. Kings and princes cherish the doctrine of personal liberty — for themselves. The aristocracies in all lands believe in personal liberty — for themselves. The slaveholders believed in personal liberty more strongly than any other men on this continent. The whites of California believe in liberty — for themselves. Personal liberty includes as its subjects all adult, sane, non-criminal persons. A government which protects only the liberty of the czar, the king, the aristocrat, the white man, the intelligent man, or the good man, is not a true government. Rich, strong men can take care of themselves. The worse the government, the better the chance for them. It is the glory of a true government that it jealously guards the rights of the ignorant, the weak, and the vicious, while it vigorously punishes criminals of all classes. Personal liberty is the source of all progress, the lever of all conquests, the inspiration of all achievements, the precious jewel of the ages. I would rather conduct a temperance movement with ten reformed drunkards, free to drink at pleasure, than with a hundred teetotalers, kept sober by the constable. That kind of temperance is strong; this kind weak; that kind a living principle; this a lifeless submission. Whenever, in our country, personal liberty is violated, except in the presence of a great and immediate danger, the intruder, if a person, is sure to meet rough treatment; if a law, it is dodged or defied. Some of us think we were born to control other men. We ask what ought our neighbors to do; and if they will not do it, how can we compel them? Resolved: That the Almighty has given the government of the world into the hands of His saints. Resolved: That we are His saints.

But is not the law against the sale of certain poisonous drugs just? Is not the law against the sale of gunpowder just? Is not the law against obscene literature just? If these laws are just, why is not the law against the sale of drink? It does vastly more harm. What is the basis of the law against the sale of the dangerous drugs? It is the danger of a fatal accident. The people do not know, and if they were allowed unchecked handling a fatal accident might happen. The legislature forbids their sale except under the guidance of an expert.

This is wise and just. It is the railing and warning light about an open sewer; while the prohibitory law is a fence across a street, which street runs down to the sea, where, by wading far out, many persons have been drowned. Such a fence would be an insult. If there were danger that lager beer might suddenly kill, then it would be right for the legislature to forbid the sale of lager beer except under the guidance of an expert.

Patent medicines do more harm in a year than the unrestrained sale of the proscribed drugs would do in a century. But no sane man would suggest that the sale of patent medicines be forbidden. Why not? Simply because there is no danger of a fatal accident. The people have time to learn and protect themselves. For a man's neighbors, even if called a legislature, to say to him, you shall not purchase patent medicine, would be an impertinence and an insult.

Prohibitionists are fond of the gunpowder illustration. The justification, they say, of the gunpowder law is found in the danger. If the danger justifies the law against gunpowder, there is infinitely more danger in strong drink. This looks plausible, but is shallow sophistry. It would be difficult to imagine any two laws more widely divergent in principle. We enter a store where the merchant keeps a barrel of gunpowder. We do not know it, and cannot protect ourselves. By his carelessness we may be blown into eternity. It is right that the legislature should protect us against such a catastrophe. We enter another store, where the merchant keeps a barrel of whisky. It is the very thing we want. Our legal right to drink it is absolute. We are legally sane, and choose to drink whisky. We take the responsibility. We ask for it, drink, pay, and depart. No man capable of logical thought will find the two parallel.

The case of obscene literature seems, at first sight, to be pertinent. Whoever read the speeches made on the occasion of the passage by Congress of the law against the circulation of obscene literature, will recall that it was put on one distinct ground, the only ground on which it can rest; namely, that forty-nine-fiftieths of obscene literature is circulated among children. This is a grave crime, as it is to sell them strong drink. Some time since, I had occasion, in preparing a volume, to pick up books on this class of subjects. No man committed a crime by selling them to me. If this class of literature, like

strong drink, were in great part sold to adults, the only just law would be one which forbade its sale to children. There are several laws against the sale of certain things, or classes of things, which have been brought forward to illustrate prohibition. No one of them is parallel to the prohibitory liquor law.

But may we not suppress a nuisance? Our right to suppress a nuisance is as clear as our right to defend ourselves against any other personal assault. A legal nuisance is any offensive smell, noise, or sight, or anything which injures health. A loud noise in a grog-shop, nudity at its windows, or, as the dictionary phrases it, "any annoyance to the community in general," is a nuisance, and may be suppressed. But if sane adults compromise their health, usefulness, and character in a grog-shop, it does not make the place a legal nuisance any more than would the fact that its visitors ate too much or improper food, or indulged in indolence or bad ventilation, or in any other way voluntarily injured themselves. A moral nuisance is not necessarily a legal nuisance. Colonel Ingersoll may preach infidelity, and lead a million young men away from the churches into loose and infidel ways. This is not a legal nuisance. If you were to bring an action against him under the nuisance act, you would be laughed out of court. But if Colonel Ingersoll were to be converted to Christianity, and gather a crowd in the public streets to hear him plead the claims of Christ, such a crowd, if it interfered with public traffic, would be a nuisance, and could be suppressed. If my own beloved clergyman preached so loudly as to disturb the neighborhood, it is a legal nuisance, and may be abated. But if the large grog-shop round the corner sells ten thousand drinks a day, in a "quiet and unobtrusive" manner, to adult persons, legally sane, it is not a nuisance. The fact that my minister preaches the most precious truth, while the grog-shop does infinite harm, is not pertinent.

Good people seem to think that bad people have not the same rights as themselves, and, except as subjects for missionary work, they are impatient of their presence. A bad man, full of avarice, bitterness, gluttony, and drink, has the same legal rights as the best man in the world. When, in the field of human conduct the law has punished crime, it is done. Public sentiment, infinitely more potent than civil law, must control in all other departments of human life. It is maddening to see people trying to drag into the arena of social, moral, and re-

ligious struggles, civil law, with its "all thumbs," and neglect agencies a thousand times stronger. How temperance men, with their vivid recollections of the all-conquering triumphs of Washingtonianism and the Woman's Crusade, can turn aside from the divine agencies which accomplish so much, and call in the constable, amazes me.

"But," we are asked, "can nothing be done to protect women and children from a drunkard's brutalities?" If a man be the victim of a vice which wrongs his family, the vice should, and may be removed, but not by law or force. All our mistakes—all our sins, both of omission and commission—harm our families and neighbors. They have a moral right to our best, while the average man does but a small part of his best. It will be said that the drunkard's vice is worse than any other. Does a man arrested for larceny plead that "other men's crimes are worse than mine; they should be punished, not I?"

During a public discussion of prohibition, my antagonist said: "We can close our argument at once if my friend will answer a simple question. The other night, down in a low street, a den of thieves was unearthed. They had stolen some carpets. The next door to this den of thieves is a large grog-shop, where many men have been ruined, causing an army of women to turn their wan faces up to heaven in a hopeless appeal for help, and numberless children to hold up their rags in mute prayer for protection. If our friend will tell us which of the two he thinks deserves the severer punishment, we can close our argument and go home. In the one case, thieves had stolen some property from a rich man, who had not even discovered his loss; in the other, poverty and despair have been made to fill many homes." I said: "My friend could hardly have given us a better illustration of the views I am advocating. Let us suppose that the thieves had been told by the owner of the carpets that they might come and get the property on a certain night, that he would leave the back door unlocked. What crime would the men have committed? If the rumseller should slyly approach his victims in the street, seize them and force them into his den, and compel them to swallow his poison, it would be a very grave crime. But he does none of these things. He lights and warms his saloon, furnishes music and a hearty welcome. The people who go in to drink are legally sane

and go in voluntarily. If you doubt their sanity, and should challenge it before a court, and it were asked: 'Is this man competent to vote? Is he capable of making a contract, or a will?' and experts should answer yes, your charge of insanity would be dismissed with a reprimand. The men who go into this saloon are legally sane until they are shown to be *non compos mentis*; they have a right to enter that street, a legal right to enter the saloon, and as perfect a legal right to drink whisky as you and I have to drink coffee. If we propose to use the word 'crime' in the dictionary-authorized sense, we must say that the rumseller has committed no crime. He is accessory to a wretched vice, which does more harm in the world than all crimes together, but which, like other vices or sins, must be treated by social, moral, and religious agencies. We rejoice over this because we know that these forces are infinitely stronger than the constable."

Prohibitory liquor laws are indispensable to the temperance cause. But they must attack the crimes of the liquor traffic, not its vices. The failure to make this distinction threatens the ruin of the grandest revolution in human history. Prohibitionists rarely mention the crimes of the hell-born traffic, but grapple with its vices. In this conflict they will fail. By a simple change of tactics, civil law would do more in removing intemperance in twelve months than it has done in a quarter of a century.

Sale to a child, to a man who is drunk, to a sot, or to a person known to be dangerous when under the influence of drink, is a crime. But prohibitionists miss their great opportunity in not prosecuting adulterations. An adulteration is a fraud, and a fraud is always a crime. Officers can go anywhere in search of a fraud, and all drinkers would cheer on the attack. A vigorous prosecution of adulterations would paralyze the whole trade.

Prohibitionists say that we miss the point; that they have never proposed to treat drinking as a crime; that the sale is the crime. The cook who contributes to gluttony by his appetizing compounds is accessory to a vice, but is not guilty of a crime. The grog-seller is accessory to another vice. To say that he is guilty of a crime because he is accessory to a vice, is to ignore the dictionary and talk nonsense. To admit that a man has a legal right to drink, and then stand between him and

the opportunity, is an insult. To say that you have a legal right to use patent medicines, and then send an officer to stand between you and the drug store, is a like absurdity. A prohibitionist would say to a man who wishes to drink, "My dear fellow, you have a perfect legal right to drink, but I should smile to see you buy any liquor." The right to drink includes the right to buy; not the right to buy through the lying prescription of a tricky doctor, but the right to buy of any one who conducts the sale without crime, and without making his business a nuisance.

We are the first people with liberty to make laws at pleasure, and we are nearly crazy over it. While the legislature should meet but once in three or five years, and then for a short session, they congregate every year, stay many months, and, when finally they adjourn, the newspapers of both parties rejoice that at length they have stopped their mischievous intermeddling and gone home. Our thoughtful editors often express fears lest Congress should disturb the business of the country. "If they would only quit, and let us go on in peace."

Extravagant notions obtain of the importance of our law-makers. People think that the Governor is the Commander-in-chief of the State, while he is only the Chief of Police. To criminals he is a great man, but to respectable citizens he is a policeman without bright buttons, whose principal duty it is to watch the streets while people sleep. The citizen of the highest class steps a long way down when he enters the police force. Generally governors and legislators are men of the rougher sort. As their only real duty is to punish criminals and maintain a few general laws for the control of corporations, the selection is perhaps not unwise. Men of the highest class can serve better by wielding those social and moral forces which mold society and govern the world. One periodical, edited with brain and conscience, may contribute more to the welfare of the State than the entire legislature. Generally, when we read the two or three columns of newspaper report of the doings at the State House, we are ashamed. Their blundering comes in great part of their attempting tasks which lie beyond their reach.

"Then," exclaims the prohibitionist, "you would have us lie helpless on our backs while millions of our fellow-men go down to perdition." A man who can indulge this thought in full view

of that magnificent revolution known as Washingtonianism, and that amazing outburst, the Woman's Crusade—a man who, in full view of these proofs of the overwhelming power of moral forces, will say that if he cannot have the constable to help him cure his neighbor's vices, he must lie helpless on his back, is a queer creature.

I am an old man, but I expect to live long enough to see the friends of temperance turn their backs upon the constable, join hands and hearts in a grand movement combining the tactics of Washingtonianism and the Woman's Crusade, and within twelve months fill the most wonderful page in the history of Christian civilization.

DIO LEWIS.